

CONNECTICUT CATHOLIC PUBLIC AFFAIRS CONFERENCE, INC.

134 FARMINGTON AVENUE

HARTFORD, CONNECTICUT 06105-3784

MICHAEL C. CULHANE
EXECUTIVE DIRECTOR

DEACON DAVID W. REYNOLDS
LEGISLATIVE LIAISON

Testimony
Judiciary Committee
April 4, 2011

Raised Senate Bill 1033 and Raised House Bill 6555

*An Act Concerning The Limitation Of Time To Bring A Civil Action For Damages Caused
By Sexual Abuse, Sexual Exploitation Or Sexual Assault Suffered By A Person Prior To
Attaining The Age Of Majority
and
An Act Concerning Civil Actions Against The State And Municipalities For The Sexual
Assault Of Children.*

My name is Michael C. Culhane and I am the Executive Director of the Connecticut Catholic Public Affairs Conference. I am here today to address two bills on your agenda so let me note the following points.

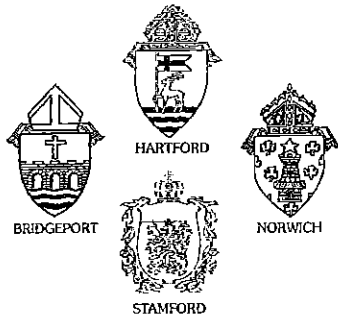
The Conference opposes S.B. 1033 for the same reasons that we opposed similar legislation in past years. Notwithstanding the prospective nature of this current proposal, the Conference has raised in the past – and we raise them again this year – several issues that concern us regarding this bill. Last Friday, I sent the members of this Committee a memo outlining our concerns and I have attached these memos to my written testimony today. Our several concerns with S.B. 1033 relate to:

- (1) Statutes of limitation exist to encourage the timely filing of claims so that injuries can be identified and addressed by institutions in a timely manner and future injuries may be prevented. Statutes of limitation exist so that claims may be fully and meaningfully investigated and to ensure fundamental fairness for all parties.
- (2) Raised Bill 1033 is counter to society's desire to more quickly recognize the signs of abuse and to report sexual abuse of minors at the time it is suspected or known to authorities.
- (3) The current statute of limitations already provides an unlimited time for bringing a civil claim against a *convicted perpetrator* of the sexual abuse.

The Conference also supports H.B. 6555 as we believe that this bill goes to the heart of the issue concerning the sexual abuse of minors. Based on statistics, there is no doubt that public sector entities must deal with this issue. In another memo to you last Friday, I outlined the major issue of the Conference – and that is, quite simply – the protection of all children in the State.

Since June 2002, the Catholic Church has addressed this issue creating “Safe Environment Programs” in all 195 dioceses in the United States. Every employee and volunteer over the age of 18 in any proximity to children must complete a background check, as well as attending a training session on sexual abuse awareness. I would submit to you today that a child is in a very safe place when they are in the care of the Church.

The same cannot be said of minors in the care of public entities as statistics prove this point. Until public institutions are held accountable for sexual assault crimes committed against minors to the same extent as their private counterparts, the necessary safeguards will not be implemented and our children will continue to be victimized. This issue is a “real” present problem in our society, and a grave issue facing our institutions and, out of a sense of fairness and for the protection of our children, I urge you to support of H.B. 6555, waiving sovereign immunity and allowing governmental entities to be held liable for acts of sexual abuse, sexual exploitation, and sexual assault committed against minors.

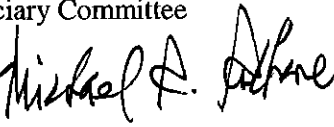


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TO: Members of the Judiciary Committee

FROM: Michael C. Culhane 
Executive Director

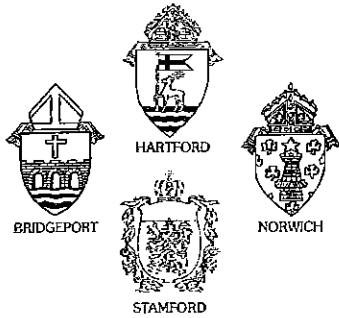
RE: Raised Bill 6555

DATE: March 31, 2011

Raised Bill 6555, An Act Concerning Civil Actions Against the State and Municipalities for the Sexual Assault of Children, seeks to protect the children of our state by lifting the ban on childhood sexual abuse lawsuits against government entities and allow these institutions and their employees to be held civilly liable for injuries to minors caused by sexual abuse, sexual exploitation, and sexual assault to the same extent to which non-public entities may be held liable. A significant number of sexual assault crimes against children occur within government/public settings. In fact, childhood sexual abuse in public institutions (schools, juvenile detention facilities, state-paid foster homes, etc.) is more common and widespread than in private institutions already subject to civil liability.

- Between 1992 and 2009, 112 Connecticut public school teachers and coaches lost their licenses due to sexual misconduct with students.
- A U.S. Department of Justice study issued in early 2010 found that 10.3% of young people (2,370 persons) held in juvenile detention facilities nationwide (including Connecticut) reported being sexually victimized by staff employees during 2008 alone.
- Nationally, the teaching credentials of 2,570 public school educators were “revoked, denied, surrendered or sanctioned from 2001 through 2005 following allegations of sexual misconduct” with students.

In order to substantially reduce the acts of sexual abuse committed against our children, additional measures need to be taken by public institutions to identify, report, and prevent child sexual abuse. However, until public institutions are held accountable for sexual assault crimes committed against minors to the same extent as their private counterparts, the necessary safeguards will not be implemented and our children will continue to be victimized. Therefore, we support Raised Bill 6555, waiving sovereign immunity and allowing governmental entities to be held liable for acts of sexual abuse, sexual exploitation, and sexual assault committed against minors.



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TO: Members of the Judiciary Committee

FROM: Michael C. Culhane
Executive Director

A handwritten signature in dark ink, appearing to read "Michael C. Culhane", is written over the printed name and title.

RE: Raised Bill 1033

DATE: March 31, 2011

We share in the legislature's concern for the youth of our state and are committed to protecting minors from acts of sexual abuse. Raised Bill 1033, as drafted, prospectively eliminates the statute of limitations for civil lawsuits alleging sexual abuse of a minor – but it will not serve either to reduce or to prevent such acts of sexual abuse for the reasons stated below and for that reason, we do not support the bill.

- **Statutes of limitation exist to encourage the timely filing of claims so that injuries can be identified and addressed by institutions in a timely manner and future injuries may be prevented.** Promptly identifying incidents of abuse and the individuals responsible is critical to preventing further acts of abuse by those perpetrators, thereby reducing the number of victims and incidents of such abuse.

- **Raised Bill 1033 is counter to society's desire to more quickly recognize the signs of abuse and to report sexual abuse of minors at the time it is suspected or known to authorities.** In the last two decades, great efforts have been made by society to educate adults and children about sexual abuse and its signs. These efforts include state mandated reporting laws, education programs to teach children to report "bad touch", and programs that educate adults about the signs of sexual abuse. Society has undertaken to shed light on childhood sexual abuse to stop such abuse as soon as possible. This legislation tends to discourage early reporting. Allowing an unlimited time to bring suit, as proposed by Raised Bill 1033, would actually discourage early reporting and could lead to *more* cases of abuse and also prevents timely intervention to assist in the healing of the injured.

- **Statutes of limitation exist so that claims may be fully and meaningfully investigated and to ensure fundamental fairness for all parties.** The search for truth may be irretrievably compromised by the loss of evidence over time through deaths of witnesses, fading memories and destruction of documentation. To allow a person to bring a claim at some point in the future when a significant amount of evidence is no longer available is unduly prejudicial to the defendant. This is especially true as to claims against businesses or employers, given the fact that child sexual abuse, by its nature, concerns secret, hidden activity by the perpetrator.

- **The current statute of limitations already provides an unlimited time for bringing a civil claim against the perpetrator of the sexual abuse.** Pursuant to C.G.S. § 52-577e, a civil action may be brought at any time against an individual convicted of sexual assault (or aggravated sexual assault) in the first degree. This allows a minor victim of sexual abuse to hold the perpetrator civilly accountable for injuries arising from the abuse without any time limitation. Moreover, with respect to non-governmental entities, including employers, the current statute of limitations affords victims an extraordinarily long amount of time, 30 years beyond reaching the age of majority, to bring a claim.

- **Eliminating the statute of limitations may force organizations providing important services out of business.** Unlimited or unknowable exposure to possible claims may cause significant practical problems for businesses and other organizations by requiring that those institutions respond to claims from incidents that occurred potentially decades earlier. Non-profit and religious entities that utilize their current assets to provide a safety net for the poor and needy could be bankrupted as a result.